DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

THE LAW AND THE PRACTICE OF MUNICIPAL HOME RULE. By Howard Lee McBain. New York: Columbia University Press. 1916.

This book should have a cordial welcome. The constitutional right of a city to govern itself has been a theme of fluent discourse for more than forty years in this country, and it is high time that someone should take the pains to tell us what it really means. Professor McBain has done this in a volume which for comprehensiveness of research, accuracy of statement, sound reasoning and general good-workmanship is a credit to the institution which he serves and to American philosophical scholarship. He has indeed raised a standard to which the wise and honest may repair.

The term municipal home rule, as used in current political discussion, covers a wide range of appealing generalities. To the friends of good government it is a watchword for use in guarding the city's interests against the schemes of wily state politicians; on the other hand the spoils-men have invoked its aid with equal ardor against the march of civil service reform. Everyone professes to believe in home rule as a principle, but not one in ten among those who employ the term so glibly at the forum or on the hustings have any fair notion of its proper scope, its meaning, and least of all, its necessary limitations. Home rule is not merely a matter of principle; it is a question of settling many practical details and solving many difficult problems.

Professor McBain has rightly begun his narrative, therefore, with a definition of what municipal home rule expresses and implies. It is not the right of a city to be a miniature republic, wholly free from all higher control and supervision, to be a law

unto itself in matters of taxation, indebtedness, and the maintenance of public order. The right of a city to borrow its way into bankruptcy, for example, is not a self-evident right. Higher control there must be to some extent; the whole question is as to how far this control should extend, and that is a question presenting a host of knotty problems which no one can solve by waving them aside.

Municipal home rule, in its proper sense, means the constitutional right of cities to frame and adopt their own charters subject to the supremacy of the state laws in what may be compendiously called "matters of general concern." But what are matters of general concern, and what are the things in which local autonomy should be unrestricted? That is the question to which Professor McBain devotes the greater part of his book. Twelve states have adopted the home rule charter system. In each of them a body of jurisprudence relating to the respective areas of state and local control has been evolved. It has been the author's task to go through this entire body of public law with infinite care and patience, subjecting every bit of it to a critical review and scrutiny. Only by so doing, if at all, could anyone hope to discover just what the law is and what the practice has been.

Speaking broadly, the eighteen chapters of the book fall into three unequal divisions. First, there is a discussion of the basis and scope of legislative control over cities, with a summary of the attempts which were made during the latter half of the nineteenth century, notably in the states of the middle west, to prohibit special legislation. Then follows, chapter by chapter, a critical analysis of home rule procedure, practice, and limitations in Missouri, California, Washington, Minn-

esota, Colorado, Oklahoma, Arizona, Oregon, Michigan, Ohio, Nebraska, and Texas. The most illuminating experience has been that of California, to which five chapters, including in all nearly one hundred pages, are devoted. Finally, there is a cogent summary of conclusions in which the author, with a masterly grasp of his subject, spreads the whole panorama before his readers.

Seven hundred pages devoted to the special subject of municipal home rule may seem to betray a distorted sense of proportion. But every page is to the point; there is no incorporation of irrelevant matter, no prosy sermonizing, and no wasting of words. It is merely that the author has ventured to wrestle fairly with complicated questions which others have either blithely ignored or willfully evaded. To get to the bottom of this subject has been no tyro's job, and the pages of this book contain the patient labor of years. From cover to cover it bears the impress of a steady hand and sound judgment. The author has finished a task which will not have to be done again in our generation.

In a day when so much shoddy stuff is being hurled into print upon the subject of how the American city ought to conduct its business, some of it by men who have made no conspicuous success in managing their own, this serious and unpilfered discussion of a basic question is doubly welcome. We have had far too much hawking of platitudes by writers on the subject of municipal government. The temptation thereto has been great, no doubt, because almost anything which relates to this wide field of interest can nowadays find a publisher and a market. Not least among Professor McBain's services to the cause is that of pointing the way to higher standards of municipal research and writing.

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PRINCIPLES AND METHODS OF MUNICIPAL ADMINISTRATION. By William Bennett Munro. New York: The Macmillan Company.

It is a well known fact that the members of many of the professions and quasi-

professions regard their respective fields of learning as something in the nature of occult sciences, wholly removed from the possibility of comprehension or appreciation by the uninitiated layman. It is also a well known fact that, although most of the activities of cities are technical in character and require therefore the services of professionals, the link between the people and these technical experts of the occult is the elected or appointed politician—an uninitiated layman. Couple these two facts, and you have before you the essence of the problem of municipal democracy. How can the technical services of a city be satisfactorily conducted under the generalship of an uncomprehending layman?

It would be absurd to offer a rule of thumb in answer to this exceedingly complicated question. It would seem, nevertheless, that we are certainly moving in the right direction when we lay ax to the root of the problem by rejecting its fundamental assumption. In point of fact, there is nothing inherently occult in most of the professions. An intelligent layman does not have to qualify for the bar in order to read a statute or a judicial opinion with fair understanding. Neither does he have to hold an engineering degree before he can comprehend the more fundamental and general problems of highway construction or sewage disposal. The serious student of modern government and the serious layman administrator is compelled to break at least into the barred vestibule of the technician in spite of the loud protests of the professionals. He finds that a "little learning" is not only a salutary but also an indispensable thing. His intelligence saves him from the classic warning of "danger." He does not, by reason of his dippings, conceive himself to be a trained attorney, engineer, accountant, or other expert. Nor does he acquire the notion that the highly trained can be dispensed with.

Professor Munro has in this book surveyed the field of municipal administration descriptively, with the end in view of joining the technical to the legal and political. This was no simple task.